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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

## GREGORY MARK McCARTHY.

Petitioner,

V.

## **IVAN D. CLAY, Warden,**

## Respondent.

C 07-3933 PJH (PR)

**APPLICATION FOR  
EXTENSION OF TIME TO  
FILE RESPONSE TO  
PETITION FOR WRIT OF  
HABEAS CORPUS**

Pursuant to Civil L.R. 6-3 and Habeas L.R. 2254-6, respondent hereby requests a 60-day extension of time until December 26, 2007, in which to file a response to the petition for writ of habeas corpus. Good cause for the extension is set forth in the accompanying declaration of counsel. We have not attempted to contact petitioner because he is an incarcerated state prisoner who is representing himself.

Wherefore, respondent respectfully requests that this Court grant an extension of time to and including December 26, 2007, in which to file an answer or other responsive pleading.

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1 Dated: October 26, 2007

2 Respectfully submitted,

3 EDMUND G. BROWN JR.  
Attorney General of the State of California

4 PEGGY S. RUFFRA  
Supervising Deputy Attorney General

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6  
7 /s/ Michele J. Swanson  
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8 Attorneys for Respondent

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**DECLARATION OF SERVICE BY U.S. MAIL**

Case Name: **McCarthy v. Clay**

No.: **C 07-3933 PJH (PR)**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter; my business address is 455 Golden Gate Avenue, Suite 11000, San Francisco, CA 94102-7004.

On October 26, 2007, I served the attached

**APPLICATION FOR EXTENSION OF TIME TO FILE RESPONSE TO PETITION  
FOR WRIT OF HABEAS CORPUS**

**DECLARATION OF COUNSEL IN SUPPORT OF APPLICATION FOR EXTENSION  
OF TIME TO FILE RESPONSE**

**[PROPOSED] ORDER**

by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States Mail at San Francisco, California, addressed as follows:

Gregory Mark McCarthy  
[P-74044] 59-07  
Sierra Conservation Center  
5150 O'Byrnes Ferry Road  
Jamestown, CA 95327

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on October 26, 2007, at San Francisco, California.

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M. Argarin  
Declarant

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/s/ M. Argarin  
Signature